

HOUSE BILL REPORT

HB 1263

As Reported by House Committee On:
Human Services

Title: An act relating to technical corrections to ensure accurate sentences for offenders.

Brief Description: Making technical corrections to community custody provisions.

Sponsors: Representatives Goodman, Rodne and Moeller; by request of Statute Law Committee and Sentencing Guidelines Commission.

Brief History:

Committee Activity:

Human Services: 1/26/09, 2/2/09 [DPS].

Brief Summary of Substitute Bill

- Makes changes to multiple sections throughout the adult criminal code regarding community custody to remove references to repealed or recodified statutes.
- Requires the court to impose a term of community custody for the offense of unlawful possession of a firearm by an offender who is a criminal street gang member or associate.
- Authorizes the Indeterminate Sentencing Review Board to have jurisdiction over the terms of community custody for sex offenders.
- Allows the Sentencing Guidelines Commission to annually propose modifications to the community custody ranges for sentences for offenders who are sentenced to the custody of the Department of Corrections.
- Adds a new "Special Allegations" chapter to 9.94A RCW and recodifies the existing provision for the special allegation that the accused is a criminal street gang member or associate.
- Repeals RCW 9.94A.545 regarding the terms of community custody for certain offenses.
- Repeals RCW 9.94A.715 regarding the terms of community custody for certain offenses.

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HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

Background:

In 2008 the Legislature passed House Bill 2719 substantially reorganizing the community custody statutes and making technical changes to provisions of the Sentencing Reform Act. The Legislature further ordered that the Code Reviser report to the 2009 Legislature on any necessary amendments to implement House Bill 2719 as it was passed by the 2008 Legislature.

Summary of Substitute Bill:

Statutory references are changed to reflect recodified or repealed sections of the Sentencing Reform Act and other provisions. The statutes affected are as follows:

RCW	RCW	RCW
2.240.040	9.94A.835	9.95.122
9.41.045	9.94A.850	9.95.140
9.94A.030	9.94B.030	9.95.425
9.94A.505	9.94B.060	9.95.900
9.94A.633	9.94B.070	9A.76.115
9.94A.6332	9.95.011	13.40.135
9.94A.670	9.95.017	72.09.335
9.94A.701	9.95.055	72.09.370
9.94A.703	9.95.070	72.09.714
9.94A.704	9.95.090	72.09.716
9.94A.731	9.95.110	72.09.718
9.94A.771	9.95.121	72.09.720
9.94A.602	9.94A.605	

The courts are required to impose community custody for the offense of possession of a firearm by an offender who is a criminal street gang member or associate. The Sentencing Guidelines Commission may annually propose modifications to the community custody ranges for offenders who are sentenced to the Department of Corrections (DOC). Certain sections of the Sentencing Reform Act that have been reorganized or recodified are repealed.

Substitute Bill Compared to Original Bill:

The substitute bill removes the requirement that the Indeterminate Sentencing Review Board (ISRB) perform duties that would otherwise be exercised by the DOC for the supervision of sex offenders. The DOC may recommend to the ISRB affirmative conduct or electronic monitoring as a condition of community custody. The ISRB may impose conditions of supervision in addition to court-ordered conditions. If such additional conditions are imposed, the offender may request an administrative hearing for a determination of whether the new conditions are appropriate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on August 1, 2009.

Staff Summary of Public Testimony:

(In support) Twenty years ago there was really no concept of community supervision except for first-time offender waivers. One piece at a time, the Legislature has found it useful to put a term of community custody after a period of serving a jail or prison term. Over time, the statutory provisions regarding supervision became unreadable. There was a request by judges and lawyers to put these statutes in a coherent fashion. Thus, a bill was drafted to make the community custody statutes readable but not make any policy changes. We reorganized the chapter with subchapter headings. We now have all of the special allegations in one subchapter heading. When a chapter is reorganized, such as the chapter regarding community custody, often changes cannot be made without further necessary changes, which resulted in this bill. We did our best not to rewrite the policy of the sentencing laws.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; Jean Soliz-Conklin, Sentencing Guidelines Commission; and Kyle Thiessen, Statute Law Committee.

Persons Signed In To Testify But Not Testifying: None.